

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. LAMONT VICTOR GARRETT, Defendant.	4:24-CR-40137-RAL ORDER ADOPTING REPORT AND RECOMMENDATION IN FULL
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Defendant Lamont Victor Garrett is charged with possession of ammunition by a prohibited person. Doc. 1. Garrett moves to suppress certain statements that he argues were obtained in violation of the Fifth Amendment and Miranda v. Arizona, 384 U.S. 436 (1966). Doc. 28. The Government resists the motion. Doc. 29. United States Magistrate Judge Veronica Duffy held an evidentiary hearing on the motion on February 14, 2025, Doc. 37, after which Judge Duffy issued a report and recommendation to grant in part and deny in part Garrett's motion to suppress. Doc. 53. Neither Garrett nor the Government filed objections to the report and recommendation.

By not objecting, the parties "waived [their] right to de novo review by the district court of any portion of the [Report and Recommendation] of the magistrate judge." United States v. McArthur, 573 F.3d 608, 613 (8th Cir. 2009). Accordingly, this Court reviews the factual background set forth in the Report and Recommendation under the clearly erroneous standard of review. See Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that absent timely

objections, district courts “only have to review the findings of the magistrate judge for clear error”). In conducting its review, this Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

This Court has reviewed the report and recommendation and agrees with it in full. Accordingly, it is hereby

ORDERED that the Report and Recommendation for disposition of Defendant’s Motion to Suppress, Doc. 53, is adopted. It is further

ORDERED that Garrett’s Motion to Suppress, Doc. 28, is granted in part and denied in part to the extent that Garrett’s statements made before he received a Miranda warning are suppressed as substantive evidence but not for impeachment purposes and that the suppression motion is otherwise denied.

DATED this 1st day of May, 2025.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE